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Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 4-5-204. For questions and copies of the notice, contact the person listed below.

Agency/Board/Commission:	Environment and Conservation
Division:	Solid Waste Management
Contact Person:	Nick Lytle
Address:	William R. Snodgrass Tennessee Tower 312 Rosa L. Parks Avenue, 14th Floor Nashville, Tennessee 37243
Phone:	(615) 532-8004
Email:	Nickolaus.Lytle@tn.gov

Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:

ADA Contact:	ADA Coordinator
Address:	William R. Snodgrass Tennessee Tower 312 Rosa L. Parks Avenue, 22nd Floor Nashville, Tennessee 37243
Phone:	1-866-253-5827 (toll free) or 615-532-0200 Hearing impaired callers may use the TN Relay Service 1-800-848-0298
Email:	Beverly.Evans@tn.gov

Hearing Location(s) (for additional locations, copy and paste table)

Address 1:	3rd Floor, Tennessee Room 2		
Address 2:	William R. Snodgrass Tennessee Tower 312 Rosa L. Parks Avenue		
City:	Nashville, Tennessee		
Zip:	37243		
Hearing Date :	12/18/17		
Hearing Time:	9:30 a.m.	_X_CST/CDT ___EST/EDT	

Additional Hearing Information:

The Division of Solid Waste Management (DSWM) is proposing to amend Chapter 0400-11-01 Solid Waste Processing and Disposal. These comprehensive revisions include simple citation corrections; eliminating out of date and inapplicable requirements; adding the option for electronic submittal of permit documents; clarifying the recovered materials processing facility permit exclusion to be consistent with the statute; enhancing landfill reporting requirements; correcting a problem with recording deed notices of former open dumps; and amending the appendices to Rule 0400-11-01-.04 to add Boron as a constituent to Appendices I and II and update language in Appendix III.

DSWM believes that the current regulations for petroleum contaminated soil permit exemption, and coal ash fill Permit-by-Rule are no longer adequate and applicable. Specifically, the current petroleum contaminated soil

permit exemption is no longer consistent with Department practices; and the current coal ash fill Permit-by-Rule is no longer applicable following the promulgation of the federal coal combustion residual rules.

DSWM believes it is necessary to require closure/post-closure plans be renewed every 10 years in order to reevaluate landfill financial assurance relative to the landfill phase development as well as allow for other necessary upgrades. In addition, the DSWM is proposing a new, more in depth annual and triennial engineering report, which will include a topographic survey to help address recently identified inadequacies in capacity projections as calculated under the current system. As a whole, this rule package offers tangible improvements to the clarity and consistency of Chapter 0400-11-01 Solid Waste Processing and Disposal.

The Division has prepared a redline version of this notice of the Notice of Rulemaking Hearing to aid public review and comment on this notice. Copies of these initial draft rules (and its redline version) are available for review at the Tennessee Department of Environment and Conservation's (TDEC's) Environmental Field Offices located as follows:

Memphis Environmental Field Office
8383 Wolf Lake Drive
Bartlett, TN 38133
(901) 371-3000/ 1-888-891-8332

Cookeville Environmental Field Office
1221 South Willow Avenue
Cookeville, TN 38506
(931) 432-4015/ 1-888-891-8332

Jackson Environmental Field Office
1625 Hollywood Drive
Jackson, TN 38305
(731) 512-1300/ 1-888-891-8332

Chattanooga Environmental Field Office
1301 Riverfront Parkway
Suite 206
Chattanooga, TN 37402
(423) 634-5745/ 1-888-891-8332

Columbia Environmental Field Office
1421 Hampshire Pike
Columbia, TN 38401
(931) 380-3371/ 1-888-891-8332

Knoxville Environmental Field Office
3711 Middlebrook Pike
Knoxville, TN 37921-5602
(865)594-6035/ 1-888-891-8332

Nashville Environmental Field Office
711 R. S. Gass Blvd.
Nashville, TN 37243-1550
(615) 687-7000/1-888-891-8332

Johnson City Environmental Field Office
2305 Silverdale Road
Johnson City, TN 37601-2162
(423) 854-5400/1-888-891-8332

The redline version of this Notice of Rulemaking Hearing can be accessed for review using: http://tn.gov/environment/topic/ppo-waste.

Copies are available for review at the Nashville Central Office (see address below).

Tennessee Department of Environment and Conservation
Division of Solid Waste Management
William R. Snodgrass Tennessee Tower
312 Rosa L. Parks Avenue, 14th Floor
Nashville, Tennessee
(615) 532-0780

Office hours for the Division's offices are from 8:00 AM to 4:30 PM, Monday through Friday (excluding holidays). Appointments should be made for all file reviews.

Oral or written comments are invited at the hearing. Additionally, written comments may be submitted prior to or after the public hearing to: Division of Solid Waste Management; Tennessee Department of Environment and Conservation; Attention: Mr. Nick Lytle; William R. Snodgrass Tennessee Tower, 312 Rosa L. Parks Avenue, 14th Floor, Nashville, Tennessee; telephone 615-532-8004 or FAX 615-532-0886. However, such written comments must be received by the Division by 4:30 PM CST/CDT, December 22, 2017, in order to assure consideration. For further information, please contact Mr. Nick Lytle at the above address or telephone number or by e-mail at Nickolaus.Lytle@tn.gov.

Revision Type (check all that apply):

X Amendment
___ New
___ Repeal

Rule(s) (**ALL** chapters and rules contained in filing must be listed. If needed, copy and paste additional tables to accommodate more than one chapter. Please enter only **ONE** Rule Number/Rule Title per row.)

Chapter Number	**Chapter Title**
0400-11-01	Solid Waste Processing and Disposal
Rule Number	**Rule Title**
0400-11-01-.01	Solid Waste Disposal Control System: General
0400-11-01-.02	Permitting of Solid Waste Storage, Processing, and Disposal Facilities
0400-11-01-.03	Requirements for Financial Assurance
0400-11-01-.04	Specific Requirements for Class I, II, III, and IV Disposal Facilities
0400-11-01-.07	Fee System for Non-Hazardous Disposal and Certain Non-Hazardous Processors of Solid Waste
0400-11-01-.10	Convenience Centers / County Public Collection Receptacles
0400-11-01-.11	Requirements for Compost and Composting Facilities
0400-11-01-.13	Requirements for Land Application Facilities

(Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to http://state.tn.us/sos/rules/1360/1360.htm)

Chapter 0400-11-01
Solid Waste Processing and Disposal

Amendments

Paragraph (2) of Rule 0400-11-01-.01 Solid Waste Disposal Control System: General is amended by deleting the current definition of "medical wastes" and substituting instead in alphabetical order a new definition of "medical wastes" to read as follows:

"Medical wastes" means the following solid wastes:

(a) Wastes generated by hospitalized patients who are isolated to protect others from communicable diseases (see the current U. S. Centers for Disease Control ~~"Guidelines for Isolation Precautions in Hospitals", July, 1983~~ guidance related to preventing transmission of infectious agents in healthcare settings for definition of diseases requiring such isolation).

(b) Cultures and stocks of infectious agents, including specimen cultures from medical and pathological laboratories, cultures and stocks of infectious agents from research and industrial laboratories, wastes from the production of biologicals, discarded live and attenuated vaccines, and culture dishes and devices used to transfer, inoculate, and mix cultures.

(c) Waste human blood and blood products such as serum, plasma, and other blood components.

(d) Pathological wastes (i.e., tissues, organs, body parts, and body fluids) that are removed during surgery and autopsy.

(e) All discarded sharps (e.g., hypodermic needles, syringes, pasteur pipettes, broken glass, scalpel blades) used in patient care or which have come into contact with infectious agents during use in medical, research, or industrial laboratories.

(f) Contaminated carcasses, body parts, and bedding of animals that were intentionally exposed to pathogens in research, in the production of biologicals, or in the in vivo testing of pharmaceuticals.

(g) The following wastes from patients known to be infected with blood-borne disease:

Contaminated wastes from surgery and autopsy (e.g., soiled dressings, sponges, drapes, lavage tubes, drainage sets, underpads, surgical gloves).

Wastes from medical, pathological, pharmaceutical, or other research, commercial, or industrial laboratories that were in contact with infectious agents (e.g., specimen containers, slides and cover slips, disposable gloves, lab coats, aprons).

Wastes that were in contact with the blood of patients undergoing hemodialysis, including contaminated disposal equipment and supplies such as tubing, filters, disposable sheets, towels, gloves, aprons, and lab coats.

Discarded equipment and parts that were used in patient care, medical and industrial laboratories, research, and in the production and testing of certain pharmaceuticals and that may be contaminated with infectious agents.

Paragraph (2) of Rule 0400-11-01-.01 Solid Waste Disposal Control System: General is amended by adding in alphabetical order with the current definitions a definition for the term "long term custodial care" and "recovered materials" to read as follows:

"Long term custodial care" means those inspections, maintenance, and monitoring activities necessary to

insure that a Class I or Class II facility, which has completed post closure certification, will not impact human health or the environment. The time period used to describe these activities is 50 years from the date of post closure certification.

"Recovered materials" means those materials which have been diverted or removed from the solid waste stream to for sale, use, reuse or recycling, whether or not requiring subsequent separation processing. Such recovered materials are not solid wastes.

Authority: T.C.A. §§ 68-211-101 et seq. and 4-5-201 et seq.

Rule 0400-11-01-.01 Solid Waste Disposal Control System: General is amended by adding a new paragraph (6) to read as follows:

(6) Electronic Submittal

These rules require submittals of applications and reports. To aid in the review or processing of an application or report, the Commissioner may request the submission of the application or report to include a copy of the application or report in an electronic format acceptable to the Commissioner. When requested by the Commissioner the additional electronic copy of the application or report shall be submitted in accordance with the Commissioner's instruction.

Authority: T.C.A. §§ 68-211-101 et seq. and 4-5-201 et seq.

Part 3 of subparagraph (b) of paragraph (1) of Rule 0400-11-01-.02 Permitting of Solid Waste Storage, Processing, and Disposal Facilities is amended by deleting it in its entirety and substituting instead the following:

3. The following facilities or practices are not subject to the requirement to have a permit:

(i) Disposal of septic tank pumpings;

(ii) Junkyards;

(iii) Reclamation of surface mines;

(iv) Disposal of farming wastes at facilities which are on the site of generation and with a fill area of less than one acre in areal extent when completed;

(v) Disposal of landscaping and land clearing wastes at facilities which are on the site of generation and with a fill area of less than one acre in areal extent when completed;

(vi) Disposal of construction/demolition wastes at facilities which are on-site of generation and with a fill area of less than one acre in areal extent when completed;

(vii) Burning solid wastes for energy recovery or processing solid wastes to produce a fuel or processing solid waste for materials recovery, provided such burning or processing occurs on the site of generation or at a site owned or operated by the same corporation or subsidiaries of such corporation;

(viii) Processing or disposal of solid wastes at hazardous waste management facilities authorized by permit or interim status under Rule 0400-12-01-.07, or the management of the solid waste is regulated under Chapter 0400-12-01;

(ix) Baling, shredding, and mechanical or other processing of solid waste on the site of generation or at a site owned or operated by the same corporation or subsidiaries of such corporation;

(x) Processing of industrial wastewaters in on-site facilities subject to regulation under T.C.A. § 69-3-101 et seq.;

(xi) Processing or disposal of the following materials:

(I) Domestic sewage and any mixture of domestic sewage and other wastes that passes through a sewer system to a publicly-owned wastewater treatment works for treatment;

(II) Industrial wastewater discharges that are point source discharges subject to permits under T.C.A. § 69-3-101 et seq.;

(III) Irrigation return flows;

(IV) Source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.);

(V) Materials subjected to in-situ mining techniques which are not removed from the ground as part of the extraction process;

(VI) Farming wastes which are returned to the soil as fertilizers; and

(VII) Mining overburden returned to the mine site;

(xii) Processing or disposal of solid wastes by deep underground injection which are permitted under the Water Quality Act pursuant to the Underground Injection Control ~~Regulations~~ regulations Chapter ~~1200-04-06~~ 0400-45-06.

(xiii) The use of solely natural rock, dirt, stumps, pavement, concrete and rebar, and/or brick rubble as fill material.

~~(xiv) The use and/or disposal of Petroleum contaminated soil and rock generated from the clean up of leaking Underground Storage Tank sites regulated under Chapter 0400-18-01, provided such materials are treated and the benzene level is below 5 ppm and the total petroleum hydrocarbon level is below 100 ppm and provided that the method of treatment was reviewed and approved by the Division of Underground Storage Tanks.~~

~~(xv)~~(xiv) The processing of waste tires at facilities that are permitted or otherwise authorized by this Chapter to store and/or dispose of waste tires.

~~(xvi)~~(xv) The storage of solid waste that is recyclable material incidental to its recycling, reuse, reclamation or salvage provided that upon request of the Commissioner, the operator demonstrates to the satisfaction of the Commissioner that there is a viable market for all stored waste and provided that all waste is stored in a manner that minimizes the potential for harm to the public and the environment. ~~Material~~ Recyclable material may not be stored for more than one (1) year without written approval from the Division.

~~(xvii)~~(xvi) The storage of solid waste incidental to its collection. (The storage of solid waste at permitted facilities and permit-by-rule facilities and storage in a manner constituting disposal are not exempt from permitting requirements).

~~(xviii)~~(xvii) The collection of “used oil” and/or the processing of used oil filters, provided that the used oil and/or filters are received directly from “do-it-yourselfers” as the terms are defined at T.C.A. § 68-211-1002.

~~(xix)~~(xviii) The processing of landscaping or land clearing wastes or unpainted, unstained, and untreated wood into mulch.

~~(xx)~~(xix) The land application of both publicly-owned treatment works water sludges and publicly-owned treatment waste water sludges from facilities that are subject to

regulatory standards of the Department's Division of Water ~~Supply and Division of Water Pollution Control~~ Resources.

~~(xxi)~~(xx) The burning of natural and untreated wood, landscaping wastes, landclearing wastes in either an air curtain destructor or by open burning.

~~(xxii)~~(xxi) The beneficial use of waste, which does not constitute disposal, ~~provided that upon request of the Commissioner,~~ that the generator demonstrates, to the satisfaction of the Commissioner, ~~that such use~~ is not detrimental to public health, safety, or the environment.

(xxii) Recovered materials processing facilities engaged solely in the storage, processing and resale or reuse of recovered materials, provided all the following conditions are met:

(I) Prior to commencing operations, the owner or operator notifies the Commissioner on forms provided by the Department and completed in accordance with the instructions accompanying it, which include:

I. The facility name, owner, mailing and location address;

II. The type(s) of material to be received;

III. The maximum storage capacity at the facility for the storage of each material identified in subitem II of this item;

IV. A general description of the recovered materials processing operation; and

V. Any information requested by the Commissioner to determine the amount of financial assurance needed, if any, pursuant to item (VII) of this subpart;

(II) Prior to implementing a change in ownership, location, type of material received, increase in storage capacity for a material, or method of processing, the owner or operator:

I. Notifies the Commissioner of the proposed change by submitting updated forms in accordance with item (I) of this subpart; and

II. Complies with item (VII) of this subpart;

(III) All material arriving at the facility to be processed has been diverted or removed from the solid waste stream for sale, or a beneficial use or reuse;

(IV) The owner or operator manages all solid waste generated as a result of recovered materials processing from the point of generation and provides for its proper disposal in accordance with the requirements of this chapter;

(V) The owner or operator manages the recovered material and/or product as a valuable commodity when it is under the owner or operator's control and minimizes:

I. The propagation, harborage, or attraction of flies, rodents, or other disease vectors;

II. The potential for explosions or uncontrolled fires;

III. The potential for releases of recovered materials or process residues to the environment except in a manner authorized by state and local air pollution control, water pollution control, and/or waste management agencies; and

IV. The potential for harm to the public through unauthorized or uncontrolled access;

(VI) Upon request of the Commissioner, the operator demonstrates, to the satisfaction of the Commissioner, that there is a viable market for the sale of, or a beneficial use or reuse of, the recovered material;

(VII) Upon request of the Commissioner, after receiving the initial notification pursuant to item (I) of this subpart or a change in the information pursuant to item (II) of this subpart, the operator files with the Commissioner a financial assurance instrument that complies with subparagraph (3)(d) of Rule 0400-11-01-.03, in an amount determined by the Commissioner to be sufficient to ensure proper closure and post-closure care of the facility, after taking into consideration the potential value of the recovered materials and the cost for an independent third party to remove for proper management all of the recovered materials to be stored or processed assuming the maximum extent of facility operation;

(Note: Financial assurance will not be required for recovered materials processing facilities that are government owned or if the value of the recovered materials is more than the cost for an independent third party to remove for proper management all of the recovered materials to be stored or processed assuming the maximum extent of facility operation.)

(VIII) The owner or operator maintains the records necessary to demonstrate:

I. Compliance with items (III), (IV) and (VI) of this subpart; and

II. That the maximum storage capacity at the facility for the storage of each recovered material has not been exceeded; and

(IX) If applicable, in accordance with T.C.A. § 68-211-871 and subparagraph (5)(c) of Rule 0400-11-01-.09, the owner or operator submits an annual report by type of material by March 31st of each year as directed by the Commissioner.

Authority: T.C.A. §§ 68-211-101 et seq., 68-211-801 et seq. and 4-5-201 et seq.

Subpart (i) of part 2 of subparagraph (c) of paragraph (1) of Rule 0400-11-01-.02 Permitting of Solid Waste Storage, Processing, and Disposal Facilities is amended by deleting it in its entirety and substituting instead the following:

(i) T.C.A. Title 68, Chapter 211, Part 7, known as the "Jackson Law," authorizes counties and municipalities to opt-into its provisions in accordance with T.C.A. § 68-211-707. If a local government does so, it may then approve or disapprove the proposed new construction for solid waste disposal by landfilling ~~(including coal ash fills)~~ and solid waste processing facilities in accordance with T.C.A. § 68-211-704. For purposes of T.C.A. § 68-211-105(h), a "new landfill for solid waste disposal" or a "new solid waste landfill" means any of the following:

(I) A solid waste landfill that received a tentative decision from the department to issue a permit after June 2, 1989 (the date the Jackson Law went into effect);

(II) A lateral expansion (a modification that expands the previously permitted footprint) of a solid waste landfill described in item (I) of this part; and

(III) A solid waste landfill described in item (I) of this part whose owner or operator proposes to accept waste that would require a change of the landfill's classification under this chapter to a classification with higher standards (i.e., from a Class III/IV landfill to a Class I or II landfill, or from a Class II to a Class I).

Authority: T.C.A. §§ 68-211-101 et seq. and 4-5-201 et seq.

Paragraph (2) of Rule 0400-11-01-.02 Permitting of Solid Waste Storage, Processing, and Disposal Facilities is amended by deleting it in its entirety and substituting instead the following:

(2) Permits by Rule

(a) ~~All permit by rule facilities shall keep any records that are required by these rules and a copy of its permit by rule authorization at the facility or at another location approved by the Department. Notwithstanding any other provision of this rule, except for subparagraph (1)(c) of this rule, and provided they are not excluded pursuant to part (1)(b)3 of this rule, the following classes of activities shall be deemed to have a permit by rule if the conditions listed are met:~~ Except as specifically allowed in part 1 of this subparagraph, the owner or operator of the facilities or activities listed in parts (b)1 through 7 of this paragraph shall be deemed permitted and are authorized to operate the facility or activity upon receipt of a written authorization from the Commissioner.

1. Owners or operators of existing facilities or activities listed in parts (b)1 through 7 of this paragraph authorized and operating on the effective date of these rules to manage solid waste may continue to operate the facility or activity consistent with the notification, including the written narrative and any required attachments, currently on file with the Department, until the owner or operator:

(i) Is required by the Commissioner to comply with subparagraph (c) of this paragraph by submitting a complete updated notification by the date required by the Commissioner; and

(ii) Receives a written authorization from the Commissioner.

2. Owners or operators of facilities or activities seeking a written authorization from the Commissioner after the effective date of these rules must:

(i) Satisfy the requirements of parts 4 through 8 of this subparagraph if applicable;

(ii) Obtain all necessary prior approvals in accordance with subparagraph (1)(c) of this rule;

(iii) Submit a complete notification in compliance with the requirements of subparagraph (c) of this paragraph; and

(iv) Pay all applicable fees as required by Rule 0400-11-01-.07.

3. After receiving a written authorization from the Commissioner, pursuant to part 1 or 2 of this subparagraph, the owner or operator must:

(i) Pursuant to subparagraph (d) of this paragraph, comply with the requirements of subparagraph (b) of this paragraph, as applicable to the owner's or operator's facility or activity, and any recordkeeping requirements specified in the written authorization deemed necessary by the Commissioner after reviewing the written narrative and any required attachments to document site specific compliance with this paragraph;

(ii) Operate the facility or activity consistent with the notification submitted in accordance with part (c)2 of this paragraph;

(iii) Maintain an up-to-date notification file, including the written narrative and any required attachments, by notifying the Commissioner of substantive changes in the information submitted pursuant to part (c)2 of this paragraph (e.g., a change in ownership, location, type of material received, storage capacity for a material, method of processing, etc.) and receive an amended written authorization from the Commissioner prior to implementing the change;

(iv) Keep the following records at the facility or at another location approved by the Commissioner:

(I) The written authorization from the Commissioner;

(II) The notification information submitted to comply with subpart 1(iii) of this subparagraph and subpart (iii) of this part; and

(III) Any records specifically required by subparagraphs (b) and (c) of this paragraph, and as specifically required by the Commissioner in the written authorization, except those records specifically identified in the written authorization from the Commission that need only be kept for three years from the date the record is generated;

(Note: The period of retention referred to in item (III) of this subpart is extended automatically during the course of any unresolved enforcement action regarding the facility or activity.)

(v) Upon the request of the Commissioner, furnish any records required by subpart (iv) of this part and make them available at all reasonable times for inspection, when requested by any representative of the Commissioner; and

(vi) Pay all applicable fees as required by Rule 0400-11-01-.07.

4. New solid waste processing facilities, tire storage facilities, and transfer stations ~~shall~~ must not be located in wetlands, unless the owner or operator makes the applicable demonstrations to the Commissioner as referenced at subparagraph (2)(p) of Rule 0400-11-01-.04.

5. ~~The facility~~ Processing facilities, tire storage facilities, and transfer stations must not be located in a 100-year floodplain unless it is demonstrated to the satisfaction of the Commissioner that:

(i) Location in the floodplain will not restrict the flow of the 100-year flood nor reduce the temporary water storage capacity of the floodplain; and

(ii) The facility is designed, constructed, operated, and maintained to prevent washout of any solid waste.

6. ~~The facility does~~ Processing facilities, tire storage facilities, and transfer stations must not:

(i) Cause or contribute to the taking of any endangered or threatened species of plants, fish, or wildlife; or

(ii) Result in the destruction or adverse modification of the critical habitat of endangered or threatened species.

7. ~~The owners or operators~~ An owner or operator proposing a new solid waste processing facility or a transfer station that handles putrescible wastes located within 10,000 feet (3,048 meters) of any airport runway end used by turbojet aircraft or within 5,000 feet (1,524 meters) of any airport runway end used only by piston-type aircraft must ~~include in the permit-by-rule notification a demonstration~~ demonstrate to the satisfaction of the Commissioner that the facility does not pose a bird hazard to aircraft.

8. ~~The owners or operators~~ An owner or operator proposing a new solid waste processing facility or a transfer station that handles putrescible wastes located within a five-mile radius of any airport runway end used by turbojet or piston-type aircraft must notify the affected airport and the appropriate Federal Aviation Administration (FAA) office.

9. While authorized to operate under this paragraph, the owner or operator is exempt from the requirements of the following paragraphs of this rule: (3) (Application for a Permit), (4) (Processing the Permit), (5) (Terms of the Permit), and (6) (Transfer, Modification, Revocation and Reissuance, and Termination of Permits), and from Rules 0400-11-01-.03 (Requirements for Financial Assurance) and 0400-11-01-.04 (Specific Requirements for Class I, II, III, and IV Disposal Facilities), except the extent these paragraphs or rules are referenced by this paragraph.

(b) Permit by rule eligible facilities or activities.

1. ~~A processing facility, if:~~ Processing facilities.

(i) ~~The operator complies with the notification requirement of subparagraph (b) of this paragraph;~~ Except as specified in subparts (ii) of this part, an owner or operator of a processing facility must:

~~(ii)~~(I) ~~The facility is constructed, operated, maintained, and closed~~ Construct, operate, maintain, and close the facility in such a manner as to minimize:

~~(I)~~ I. The propagation, harborage, or attraction of flies, rodents, or other disease vectors;

~~(II)~~ II. The potential for explosions or uncontrolled fires;

~~(III)~~ III. The potential for releases of solid wastes or solid waste constituents to the environment except in a manner authorized by state and local air pollution control, water pollution control, and/or waste management agencies; and

~~(IV)~~ IV. The potential for harm to the public through unauthorized or uncontrolled access;

~~(iii)~~(II) ~~The facility has~~ Ensure that the facility has an artificial or natural barrier which completely surrounds the facility and a means to control entry, at all times, through the gate or other entrances to the facility;

~~(iv)~~(III) ~~The facility,~~ Ensure that the facility, if open to the public, has clearly visible and legible signs at the points of public access which indicate the hours of operation, the general types of waste materials that either will or will not be accepted, emergency telephone numbers, schedule of charges (if applicable), and other necessary information;

~~(v)~~(IV) ~~Trained~~ Ensure that the facility has trained personnel ~~are always~~ present during operating hours ~~to operate the facility~~;

~~(vi)~~(V) ~~The facility has~~ Ensure that the facility has adequate sanitary facilities, potable water, emergency communications (e.g., telephone), and shelter available for personnel;

~~(vii)~~(VI) ~~The facility's~~ Ensure that the facility has access road(s) and parking area(s) ~~are~~ constructed so as to be accessible in all weather conditions;

~~(viii)~~(VII) ~~Except for composting facilities utilizing landscaping and land clearing wastes only,~~ Restrict all waste handling (including loading and unloading) at the facility ~~is conducted on~~ to paved surfaces;

~~(ix)~~(VIII) ~~There is no~~ Limit the storage of solid wastes at the facility ~~except in the~~ to containers, bins, lined pits or on paved surfaces, designated for such storage;

~~(x)~~(IX) ~~Except for incinerators or energy recovery units, there is no burning of~~ Not burn solid wastes at the facility;

~~(xi)~~(X) ~~There is no~~ Prohibit scavenging of solid wastes at the facility and limit any salvaging ~~is conducted at~~ to safe, designated areas and times, as indicated in the written narrative submitted pursuant to subpart (c)2(vi) of this paragraph;

~~(xii)~~(XI) ~~Wind~~ Ensure that wind dispersal of solid wastes at or from the facility is adequately controlled, ~~including the daily collection~~ and ~~proper disposal of~~ that windblown litter and other loose, unconfined solid wastes are collected daily and properly disposed;

~~(xiii)~~(XII) ~~All~~ Ensure that all liquids which either drain from solid wastes or are created by washdown of equipment at the facility ~~go~~ are collected and directed to either:

~~(I)~~ I. A wastewater treatment facility permitted to receive such wastewaters under T.C.A. §§ 69-3-101 et seq. (Tennessee Water Quality Control Act, or

~~(II)~~ II. Other methods approved by the Commissioner.

~~(xiv)~~(XIII) ~~The facility receives no~~ Ensure that special wastes are not received, unless:

~~(I)~~ I. Such receipt has been specifically approved in writing by the ~~Department~~ Commissioner, and

~~(II)~~ II. Special procedures and/or equipment are utilized to adequately confine and segregate the special wastes;

~~(xv)~~(XIV) ~~The operator can demonstrate, at the request of the Commissioner, that~~ Have alternative arrangements (e.g., contracts with other facilities) for the proper processing or disposal of the solid wastes ~~his~~ authorized to be managed at the facility ~~handles are available~~ in the event ~~his~~ the facility ~~can not~~ cannot operate;

~~(xvi)~~(XV) ~~The facility has properly maintained and located~~ Properly maintain and locate fire suppression equipment (e.g., fire extinguishers, water hoses) and make them continuously available in sufficient quantities to control accidental fires that may occur;

~~(xvii)~~(XVI) ~~All~~ Manage all waste residues resulting from processing activities at the facility ~~are managed~~ in accordance with ~~this Chapter~~ these rules or Chapter 0400-12-01 (Hazardous Waste Management), whichever is applicable, and/or with any other applicable state or federal regulations governing waste management;

~~(xviii)~~(XVII) ~~The facility is finally closed by removal of~~ When closing the facility, remove all solid wastes and solid waste residues for proper disposal.

(XVIII) ~~The operator must notify~~ Notify the Division Director in writing of ~~his~~ the completion of closure of the facility~~. Such notification must~~ and include a certification ~~by the operator~~ that the facility has been closed by removal of all the solid waste and residues; . ~~Within 21 days of the receipt of such notice the Division Director shall inspect the facility to verify that closure has been completed. Within 10 days of such verification, the Commissioner shall approve the closure in writing to the operator. Closure shall not be considered final and complete until such approval has been made.~~

~~(xix) New solid waste processing facilities shall not be located in wetlands, unless the owner or operator makes the applicable demonstrations to the Commissioner as referenced at subparagraph (2)(p) of Rule 0400-11-01-.04.~~

~~(xx) The facility must not be located in a 100-year floodplain unless it is demonstrated to the satisfaction of the Commissioner that:~~

~~(I) Location in the floodplain will not restrict the flow of the 100-year flood nor reduce the temporary water storage capacity of the floodplain.~~

~~(II) The facility is designed, constructed, operated, and maintained to prevent washout of any solid waste.~~

~~(xxi) The facility does not:~~

~~(I) Cause or contribute to the taking of any endangered or threatened species of plants, fish, or wildlife; or~~

~~(II) Result in the destruction or adverse modification of the critical habitat of endangered or threatened species.~~

~~(xxii)~~(XIX) ~~The owner/operator may not store solid waste until the processing equipment has been installed~~ Install the processing equipment on-site and ensure it is ready for use before accepting solid waste for storage or processing;

~~(xxiii)~~(XX) ~~The owner/operator of a solid waste processing facility which has a solid waste storage capacity of 1000 cubic yards or greater shall file~~ Prior to receiving solid waste for processing, or within 90 days of the effective date of these rules, if authorized and operating on the effective date of these rules:

I. File with the Commissioner a performance bond or equivalent cash or securities, payable to the State of Tennessee~~. Such financial assurance is intended to ensure that adequate financial resources are available to~~ in an amount determined by the Commissioner to ~~insure~~ be sufficient to ensure the proper operation, closure, and post closure care of the facility;

II. ~~The types of~~ Submit financial assurance instruments that are ~~acceptable are those~~ specified in subparagraph (3)(d) of Rule 0400-11-01-.03; and.

III. ~~Such~~ Ensure that the financial assurance ~~shall meet~~ meets the criteria set forth in T.C.A. § 68-211-116(a), and ~~at~~ complies with subparagraph (3)(b) of Rule 0400-11-01-.03.

(XXI) Maintain records documenting the amounts of the different types of solid waste at the facility, including, but not limited to, the amounts stored to be processed, in process and that have completed processing.

~~(xxiv) The owners or operators proposing a new solid waste processing facility that handles putrescible wastes located within 10,000 feet (3,048 meters) of any airport runway end used by turbojet aircraft or within 5,000 feet (1,524 meters) of any airport runway end used only by piston-type aircraft must include in the permit-by-rule notification a demonstration that the facility does not pose a bird hazard to aircraft. The owners or operators proposing a new solid waste processing facility that handles putrescible wastes located within a five-mile radius of any airport runway end used by turbojet or piston-type aircraft must notify the affected airport and the appropriate Federal Aviation Administration (FAA) office.~~

(ii) Item (i)(IX) of this part does not apply to incinerators or energy recovery units.

(iii) Within 21 days of the receipt of ~~such~~ the certification of closure notice submitted by an owner or operator in accordance with item (i)(XVIII) of this part, the Division Director ~~shall~~ will inspect the facility to verify that closure has been completed to the satisfaction of the Division Director. Within 10 days of such verification, the Commissioner ~~shall~~ will approve the closure in writing to the operator. Closure shall not be considered final and complete until such approval has been made.

2. Reserved. ~~A coal ash fill area, if:~~

~~(i) The coal ash disposed of is not hazardous as defined in subparagraph (1)(c) of Rule 0400-12-01-.02 of the rules governing hazardous waste management.~~

~~(ii) The coal ash disposed of is fly ash, bottom ash, or boiler slag resulting primarily from the combustion of fossil fuel.~~

~~(iii) Disposal is limited to:~~

~~(I) Coal ash in engineered structures for the following projects: a highway overpass, levee, runway, or foundation backfill.~~

~~(II) Such other similar uses as the Commissioner may approve in writing. Financial assurance may be required by the Commissioner if deemed appropriate for these case-by-case projects.~~

~~(iv) The operator complies with the notification requirement of subparagraph (b) of this paragraph;~~

~~(v) The fill area is constructed, operated, maintained, and closed in such a manner as to minimize:~~

~~(I) The potential for harmful release of solid wastes or solid waste constituents to the environment; and~~

~~(II) The potential for harm to the public through unauthorized or uncontrolled access;~~

~~(vi) The fill area, until development is complete, must have an artificial or natural barrier to control access of unauthorized entry.~~

(vii) There must be equipment available that is capable of spreading and compacting the coal ash, and capable of handling the earthwork required during the periods that coal ash is received at the fill area.

(viii) The coal-ash fill project is designed with:

(I) A geologic buffer of at least three feet with a maximum saturated conductivity of 1 x 10^{-6} centimeters per second between the base of the fill and the seasonal high water table of the uppermost unconfined aquifer or the top of the formation of a confined aquifer, or such other protection as approved by the Commissioner taking into account site specific coal ash and soil characteristics, ambient groundwater quality, and projected flows in and around the site; and

(II) A ground water monitoring program approved by the department that reports sampling results to the department at least once each year. If sampling results indicate that the fill area has caused the ground water protection standards to be exceeded, the owner or operator of the facility shall commence an assessment monitoring program in accordance with regulations adopted by the board and carry out all corrective measures specified by the Commissioner.

(ix) At the completion of the coal-ash fill project, and no later than 90 days after operations have ceased, the final cover must meet the requirement of at least 24 inches of compacted soil on the coal-ash project area, except for those areas covered by structures, asphalt, concrete (including concrete containing coal ash), or other similar barriers to water infiltration. The upper six inches of this cover shall be able to support the growth of suitable vegetation.

(x) The final surface of the coal ash fill area is graded and/or provided with drainage facilities in a manner that:

(I) Minimizes erosion of cover material (e.g., no steep slopes);

(II) Promotes drainage of precipitation falling on the area (e.g., prevents pooling);

(III) Provides a surface drainage system which is consistent with the surrounding area and in no way significantly adversely affects proper drainage from these adjacent lands; and

(IV) The operator must take other erosion control measures (e.g., temporary mulching or seeding, silt barriers) as necessary to control erosion of the site.

(xi) Dust Control - The operator must take dust control measures as necessary to prevent dust from creating a nuisance or safety hazard to adjacent landowners or to persons engaged in supervising, operating, and using the site. The use of any oils or other chemicals (other than water) for dust suppression must be approved in writing beforehand by the Department.

(xii) Prior to excavation, all bore holes drilled or dug during subsurface investigation of the site, piezometers, and abandoned wells which are either in or within 100 feet of the areas to be filled must be backfilled with a bentonite slurry or other sealant approved by the Commissioner to an elevation at least ten feet greater than the elevation of the lowest point of the fill base (including any liner), or to the ground surface if the site will be excavated less than ten feet below grade.

(xiii) The fill area must not be located in a 100-year floodplain unless it is

demonstrated to the satisfaction of the Commissioner that:

(I) Location in the floodplain will not restrict the flow of the 100-year flood, nor reduce the temporary water storage capacity of the floodplain.

(II) The fill area is designed, constructed, operated, and maintained to prevent washout of any solid waste.

(xiv) There must be installed on-site a permanent benchmark (e.g., a concrete marker) of known elevation.

(xv) New coal ash fill areas and lateral expansions shall not be located in wetlands, unless the owner or operator makes the applicable demonstrations to the Commissioner as referenced at subparagraph (2)(p) of Rule 0400-11-01-.04.

(xvi) A fill area must not be located in highly developed karst terrain (i.e., sink holes and caves).

(xvii) The coal ash fill project does not:

(I) Cause or contribute to the taking of any endangered or threatened species of plants, fish, or wildlife; or

(II) Result in the destruction or adverse modification of the critical habitat of endangered or threatened species.

(xviii) Notice in Deed to Property - Except for coal ash fills on federal, state or local government owned right-of-ways, the operator must ensure that, within 90 days of meeting final cover requirements and prior to the sale or lease of the coal ash fill area property, there is recorded, a notation on the deed to the property or on some other instrument which is normally examined during a title search that will in perpetuity notify any person conducting a title search that coal ash has been placed on the property.

3. A tire Tire storage facility, if: facilities.

An owner or operator of a tire storage facility must:

(i) The Not operate a tire storage facility in a county where the county legislative body, of a county that does not own or operate owns or operates a permitted Class I, Class III or Class IV facility which is accepting waste tires, complies with the notification requirement of part 2 of this subparagraph; and

(ii) The facility is constructed, operated, maintained and closed Construct, operate, maintain, and close the facility in a manner consistent with items (2)(k)3(i)(I) and (II) of Rule 0400-11-01-.04;

(iii) and subparts 1(iii), (iv), (v), (vi), (vii), (x), (xi), (xiii), (xiv), (xvi), (xvii), (xviii), (xix), (xx) and (xxi) Comply with items 1(i)(II), (III), (IV), (V), (VI), (IX), (X), (XII), (XIII), (XVI), and (XVII) of this subparagraph;

(iv) Provide, properly maintain, and locate fire suppression equipment capable of extinguishing a tire fire, such as fire extinguishers, and make them continuously available in sufficient quantities to control accidental tire fires that may occur; and

(iii)(v) Contracts As a condition to begin operating or to continue to operate, establish and maintain a valid contract for the disposal or recycling of the shredded tires have been established.

4. A convenience center, if: Convenience centers.

An owner or operator of a convenience center must:

~~(i) The operator complies with the notification requirements of Part 2 of this subparagraph;~~

~~(ii)~~(i) ~~The operator attaches to his~~ Attach as a part of the notification required by subpart (a)2(iii) of this paragraph all attachments required ~~at~~ pursuant to part (2)(b)1 of Rule 0400-11-01-.10; and

~~(iii)~~(ii) ~~The facility is designed and operated~~ Design and operate the facility in compliance with Rule 0400-11-01-.10.

5. ~~A transfer station, if:~~ Transfer stations.

~~(i) The operator complies with the notification requirements of Part 2 of this subparagraph; and (ii) The facility is constructed, operated, maintained, and closed in a manner consistent with subparts 1(ii), (iii), (iv), (v), (vi), (vii), (viii), (ix), (x), (xi), (xii), (xiii), (xiv), (xv), (xvi), (xviii), (xix), (xx), (xxi) and (xxiv) of this subparagraph~~ An owner or operator of a transfer station must comply with items 1(i)(I) through (XV) and (XVII) of this subparagraph.

6. ~~A land~~ Land application ~~facility, if:~~ facilities.

An owner or operator of a land application facility must:

~~(i) The operator complies with the notification requirements of subparagraph (b) of this paragraph;~~

~~(ii)~~(i) ~~The operator attaches to his~~ Attach as a part of the notification required by subpart (a)2(iii) of this paragraph all attachments required at subparagraph (1)(c) of Rule 0400-11-01-.13; and

~~(iii)~~(ii) ~~The facility is designed and operated~~ Design and operate the facility in compliance with Rule 0400-11-01-.13.

7. ~~A~~ Tier One composting ~~facility, if:~~ facilities.

An owner or operator of a Tier One composting facility must:

~~(i) The operator complies with the notification requirements of subparagraph (b) of this paragraph;~~

~~(ii)~~(i) ~~The operator attaches to his~~ Attach as a part of the notification required by subpart (a)2(iii) of this paragraph all attachments required in the Composting Facility Operation Plan ~~by~~ pursuant to subpart (2)(a)2(vii) of Rule 0400-11-01-.11; and

~~(iii)~~(ii) ~~The facility is designed and operated~~ Design and operate the facility in compliance with Rule 0400-11-01-.11.

~~(b)~~(c) ~~The~~ An owner or operator ~~of a facility deemed to have~~ seeking a written authorization from the Commissioner pursuant to this paragraph to operate a facility or activity listed in parts (b)1 through 7 of this paragraph ~~a permit by rule~~ must notify the ~~Department~~ Commissioner in accordance with the requirements of this subparagraph.

~~1. No person shall begin operation on a new facility without having submitted notification and received written approval from the Commissioner.~~

~~2.~~1. Notification must be submitted on forms provided by the Department and completed as

per the accompanying instructions.

2. ~~It~~ Notification must include, but shall not necessarily be limited to, the following information:

(i) The processing and disposal activities conducted and the types of solid wastes handled;

(ii) The name, mailing address, and location of the facility;

(iii) The name, mailing address, and telephone number of the applicant and, if the applicant is a government agency, corporation, company, or partnership, that of the process agent or other contact person;

(iv) If different from the operator, the name, mailing address, and telephone number of the landowner, along with a signed letter from such owner to the Department allowing access to the property for purposes of inspection;

(v) A map (e.g., U.S.G.S. 7.5 minute topographic map) which clearly indicates the location of the facility;

(vi) A written narrative must be submitted that describes:

(I) ~~how~~ How the ~~facility/operation~~ owner or operator will comply with ~~all applicable standards listed in part 1 of this~~ the requirements of subparagraph (b) of this paragraph, and Rules 0400-11-01-.10, 0400-11-01-.11, and 0400-11-01-.13, as applicable;

(II) The maximum capacity for each unit, storage area or disposal area; and

(III) ~~any~~ Any other information deemed necessary by the Commissioner; and

(vii) A design plan attached indicating boundaries of the site and all on-site appurtenances.

~~3. The notification under part 2 of this subparagraph shall be revised within 30 days of a change in facility ownership with new information as necessary but at a minimum to include changes to subparts 2(iii) and (iv) of this subparagraph along with payment of the fee specified at part (2)(b)6 of Rule 0400-11-01-.07.~~

~~(c)~~(d) Duty to Comply - ~~The permittee~~ An owner or operator deemed permitted under this paragraph must comply with all ~~conditions of this permit-by-rule~~ requirements applicable to the facility or activity operated under this paragraph, unless otherwise authorized by the ~~Department~~ Commissioner in writing. Any ~~permit-by-rule~~ noncompliance constitutes a violation of the Act and is grounds for the assessment of civil penalties by the Commissioner.

(e) Revocation of the Authorization to Operate

1. The authorization to operate issued by the Commissioner pursuant to subparagraph (a) of this paragraph may be revoked for a cause identified in part 2 of this subparagraph and only according to the procedures set forth in part 3 of this subparagraph.

2. Causes for Revocation.

The following are causes for revoking the authorization to operate under this paragraph:

(i) The owner or operator of facilities or activities operating on the effective date of these rules fails to comply with part (a)1 of this paragraph by either not submitting a complete updated notification satisfying the requirements of subparagraph (c) of this paragraph, or not submitting it by the date required by

the Commissioner.

(ii) Noncompliance by the owner or operator with any requirement of this paragraph which the Commissioner deems to be significant and/or repeated;

(iii) Failure of the owner or operator to disclose relevant or truthful facts in the notification information submitted pursuant to subparagraph (c) of this paragraph;

(iv) A determination made by the Commissioner that continued operation for the facility or activity endangers human health or the environment that can only be effectively protected by revoking the authorization; and

(v) The owner's or operator's failure to pay any applicable fee owned to the Department.

3. Procedures

(i) When the Commissioner receives information, such as complaints or inspection findings, indicating that revoking the authorization may be in order, the Commissioner will determine whether or not one or more of the causes listed in part 2 of this subparagraph exist;

(ii) If the Commissioner determines cause exists and tentatively decides to proceed to revoke the authorization to operate under this paragraph, the Commissioner will, pursuant to T.C.A. § 4-5-320, give the owner and operator notice by mail of facts or conduct that warrant the intended action and will give the owner and operator an opportunity to show compliance with this paragraph;

(iii) After completing all the requirements of T.C.A. § 4-5-320, the Commissioner will decide whether or not to revoke the authorization to operate by issuing an Order to the owner or operator; and

(iv) The Commissioner's decision to revoke the authorization to operate may be appealed as set forth in T.C.A. § 68-211-113.

(f) Denial of an Authorization to Operate

The Commissioner may deny an owner or operator an authorization to operate a facility or activity if:

1. The owner or operator has had any previously issued authorization to operate revoked for cause, unless the Commissioner is satisfied that the owner or operator is willing and able to operate the facility or activity in compliance with the requirements of this paragraph; or

2. The Commissioner believes the operation of the facility or activity will endanger human health or the environment.

Authority: T.C.A. §§ 68-211-101 et seq. and 4-5-201 et seq.

Subparagraph (a) of paragraph (4) of Rule 0400-11-01-.02 Permitting of Solid Waste Storage, Processing, and Disposal Facilities is amended by deleting it in its entirety and substituting instead the following:

(a) Preliminary Notices - Within 30 days after the date of receipt, the Commissioner shall issue a preliminary public notice under subparagraph (e) of this paragraph for each Part I permit application received. Within one year after the date of receipt of the Part I permit application, the applicant shall submit either the Hydrogeological Report or Engineering Plans required to satisfy the Part II permit application. If within 1 year of the date of receipt of the Part I permit application

the Commissioner has not received either the Hydrogeological Report or Engineering Plans, the Commissioner will require the applicant to resubmit the Part I permit application at the time of the submittal of the Engineering Plans.

Authority: T.C.A. §§ 68-211-101 et seq. and 4-5-201 et seq.

Subparagraph (k) of paragraph (4) of Rule 0400-11-01-.02 Permitting of Solid Waste Storage, Processing, and Disposal Facilities is amended by deleting it in its entirety and substituting instead the following:

(k) Appeals - ~~If, in his~~ The Commissioner's final permit decision under subparagraph (i) of this paragraph~~, the Commissioner denied the permit or issued it subject to conditions with which the permit applicant disagrees, the applicant~~ may be appealed ~~the decision to the Board~~ as set forth in T.C.A. § 68-211-113. ~~If the Commissioner fails to take any action on a permit application within 45 days after it was submitted to him, the permit applicant may appeal to the Board as set forth in T.C.A. § 68-211-113.~~

Authority: T.C.A. §§ 68-211-101 et seq. and 4-5-201 et seq.

Part 1 of subparagraph (b) of paragraph (1) of Rule 0400-11-01-.03 Requirements for Financial Assurance is amended by deleting it in its entirety and substituting instead the following:

1. The requirements of this rule apply to:

(i) ~~disposal~~ Disposal facilities in operation on March 18, 1990 or thereafter;

(ii) Recovered materials processing facilities to the extent required by item (1)(b)3(xxii)(VII) of Rule 0400-11-01-.02; and

(iii) Solid waste processing facilities to the extent required by item (2)(b)1(i)(XX) of Rule 0400-11-01-.02.

Authority: T.C.A. §§ 68-211-101 et seq. and 4-5-201 et seq.

Paragraph (2) of Rule 0400-11-01-.03 Requirements for Financial Assurance is amended by deleting it in its entirety and substituting instead the following:

(2) Closure/Post-Closure Care Plan

(a) General Requirements - Operators of facilities must submit a closure/post-closure care plan to the Department, obtain approval of the plan, and amend the plan when necessary, as set forth in this paragraph.

(b) Contents of Plan

1. The closure/post-closure plan must identify the steps necessary to completely or partially close the facility at any point during its intended operating life and to completely close the facility at the end of its intended operating life, and must identify the activities which will be carried on after closure and the frequency of these activities. For facilities being developed or to be developed according to a phased development plan, the closure/post-closure care plan must address each parcel separately as well as the whole.

2. The closure/post-closure plan must include, at a minimum:

(i) A description of how and when the facility will be partially closed, if applicable, and finally closed. If minimum closure areas are used, they must be delineated in the engineering plans. The description must identify how the applicable closure standards of paragraph (8) of Rule 0400-11-01-.04 will be met. It must also include an estimate of the expected year of closure and a schedule for completing the steps of final closure;

(ii) A description of the planned ground and surface water monitoring and other monitoring and maintenance activities and frequencies at which they will be performed. The description must identify how the applicable post-closure care standards of paragraph (8) of Rule 0400-11-01-.04 and the applicable Ground Water Protection/Monitoring Standards of paragraph (7) of Rule 0400-11-01-.04 will be met; and

(iii) The name, address, and phone number of the person or office to contact about the facility during the post-closure care period. This person or office must keep an updated closure/post-closure plan during the post-closure care period.

(iv) An itemized estimate in current dollars of the cost based on hiring a third party to perform the closure and post-closure care activities.

(v) A description of the planned uses of the property during the post-closure care period.

(vi) For Class I and Class II facilities, a description of recommended activities during long term custodial care to inspect, monitor, and maintain the facility. Facilities which utilize synthetic components in the final cover system must include an analysis of the life cycle of such components.

3. In the closure portion of his plan, the operator must address the closure of active portions and future active portions of the facility. In the post-closure care portion of his plan, the operator must address the post-closure care of closed portions, active portions, and future active portions of the facility. If a facility which was in operation on March 18, 1990 closes prior to the date the closure/post-closure care plan is to be submitted, the plan need address only the post-closure care of closed portions of the facility provided that the closure is in accordance with applicable rules.

(c) Resubmittal of Plan – All Class I and Class II facilities must submit a new closure/post-closure care plan every 10 years from the date of the original permit or most recent permit expansion. The resubmittal of plan will be processed as a minor modification to the facility and must comply with subparagraph (b) of this paragraph. At minimum it must include:

1. Itemized closure/post-closure cost estimates must be adjusted by recalculating the maximum closure/post-closure amounts in current dollars and taking into account any design changes, new monitoring points and changes in materials.

2. The phased development plan must be updated and reconciled with the closure/post-closure cost estimate.

3. Minimum closure areas must be revised or added to reflect planned partial closure of the facility.

4. A separate itemized cost estimate for long term custodial care activities. This cost estimate is not to be included in the financial assurance amount for the facility.

~~(c)~~(d) Amendment of Plan - The approved closure/post-closure care plan may be amended at any time during the active life of the facility or during the post-closure care period as set forth in this subparagraph.

1. The operator may request to amend the plan to alter the closure requirements, to alter the post-closure care requirements, or to extend or reduce the post-closure care period based on cause. The request must include evidence demonstrating to the satisfaction of the Commissioner that:

(i) The nature of the facility makes the closure or post-closure care requirement(s) unnecessary; or

(ii) The nature of the facility supports reduction of the post- closure care period; or

(iii) The requested extension in the post-closure care period or alteration of closure or post-closure care requirements is necessary to prevent threats to human health and the environment.

2. Such plan amendments shall be processed as modifications to the permit. However, the Commissioner may decide to modify the plan if he deems it necessary to prevent threats to human health and the environment. He may extend or reduce the post-closure care period based on cause or alter the closure or post-closure care requirements based on cause. However, no such modifications shall be initiated until the operator has been notified of such proposed action and provided the opportunity to be heard on the matter.

3. The cost estimate of the approved closure/post closure care plan must be adjusted annually for inflation. Such inflation adjustment shall not be considered an amendment of the plan.

Authority: T.C.A. §§ 68-211-101 et seq. and 4-5-201 et seq.

Subparagraph (t) of paragraph (2) of Rule 0400-11-01-.04 Specific Requirements for Class I, II, III, and IV Disposal Facilities is amended by deleting it in its entirety and substituting instead the following:

(t) Annual and Triennial Engineering Report ~~Future Planning - All operators of Class I disposal facilities within the state of Tennessee shall file with the Department, by May 1st of every year, an estimate of the remaining life of their site. This report shall include the original usable acreage of the site and the remaining unused portion at the time of the report. Where measuring facilities are available, an average monthly weight (or volume) estimate of the incoming waste shall be supplied. The Department shall have final determination of the accuracy of the estimate. If the operator plans to operate a new landfill, a suitable site for the new facility shall be selected at least twelve months before the estimated date for expiration of the operating life of the existing facility, and as applicable, design and construction plans shall be submitted at least six months prior to the estimated date for expiration of the operating life of the existing facility to assure continued operation in an approved facility or site.~~

1. All operators of Class I disposal facilities within the state of Tennessee shall file with the Department, by May 1st of every year, an annual engineering report which shall include:

(i) A current topographic survey of the active portion of the disposal facility (same scale as approved plans) performed by a qualified land surveyor duly authorized under Tennessee law to conduct such activities. This should be superimposed on the approved contours;

(ii) Calculations on the current constructed capacity of the disposal facility, in cubic yards, and the total remaining volume within the currently constructed cells to be filled, in cubic yards, along with the total remaining permitted cubic yards;

(iii) The first Annual Engineering Report submitted should include all minor modifications to the facility since the most recent permit issuance;

(iv) A report showing the quantity of leachate collected in gallons: for treatment, for disposal, recirculation, or other management method on a monthly basis for the reporting year. The report must name the location and method of leachate treatment and disposal. A summary of any leachate management system cleanouts performed since the last Annual Engineering Report must also be provided.

(v) A report of amounts and types of Special Wastes disposal relative to normal solid waste disposed at the facility since the last Annual Engineering Report, presented in the form of a ratio; and

(vi) A notarized statement that, to the best of the knowledge of the owner or operator, the information contained in the annual engineering report is true and accurate.

2. All operators of Class II facilities in the state of Tennessee shall file with the Department, beginning May 1, 2019, a triennial engineering report. This report shall include:

(i) A current topographic survey of the active portion of the disposal facility (same scale as approved plans) performed by a qualified land surveyor duly authorized under Tennessee law to conduct such activities. This should be superimposed on the approved contours;

(ii) Calculations on the current constructed capacity of the disposal facility, in cubic yards, and the total remaining volume within the currently constructed cells to be filled in cubic yards, along with the total remaining cubic yards;

(iii) The first Triennial Engineering Report submitted should include all minor modifications to the facility since the most recent permit issuance; and

(v) A notarized statement that, to the best of the knowledge of the owner or operator, the information contained in the annual engineering report is true and accurate.

Authority: T.C.A. §§ 68-211-101 et seq. and 4-5-201 et seq.

Item (II) of subpart (i) of part 4 of subparagraph (a) of paragraph (7) of Rule 0400-11-01-.04 Specific Requirements for Class I, II, III, and IV Disposal Facilities is amended by deleting it in its entirety and substituting instead the following:

(II) The ground water monitoring program must include sampling and analytical methods that are appropriate for ground water sampling and that accurately measure hazardous constituents and other monitoring parameters in ground water samples. ~~Ground water samples shall not be field-filtered prior to laboratory analysis.~~

Authority: T.C.A. §§ 68-211-101 et seq. and 4-5-201 et seq.

Subpart (ii) of part 3 of subparagraph (c) of paragraph (8) of Rule 0400-11-01-.04 Specific Requirements for Class I, II, III, and IV Disposal Facilities is amended by deleting it in its entirety and substituting instead the following:

(ii) At Class III and Class IV facilities, unless the Commissioner determines that a greater depth is needed to achieve the general performance standard of subparagraph (a) of this paragraph, the depth of final cover shall be at least 30 inches of compacted soil. The final cover consists of an 18 inch ~~low permeability~~ compacted soil layer with a maximum hydraulic conductivity of 1×10^{-5} cm/s overlain by a 12 inch protective layer.

Authority: T.C.A. §§ 68-211-101 et seq. and 4-5-201 et seq.

Part 8 of subparagraph (g) of paragraph (8) of Rule 0400-11-01-.04 Specific Requirements for Class I, II, III, and IV Disposal Facilities is amended by deleting it in its entirety and substituting instead the following:

8. If the ~~dump closed has been closed on-site after an order has been issued by the Commissioner or Board and become final pursuant to T.C.A. § 68-211-113 or 4-5-322~~ owner or operator fails to timely comply with part 7 of this subparagraph, the Commissioner may present for recording in the office of the county register an instrument that will be in the chain of title that will in perpetuity notify any person conducting a title search that the land has been used as a disposal ~~facility~~ site. Such notice may include the following:

(i) The name of the person who owns the property upon which the dump is located;

(ii) The book and page number in which the deed to such property is recorded; and

(iii) A description of the wastes believed to be disposed on such property.

Authority: T.C.A. §§ 68-211-101 et seq. and 4-5-201 et seq.

Appendices I, II and III following subparagraph (d) of paragraph (9) of Rule 0400-11-01-.04 Specific Requirements for Class I, II, III, and IV Disposal Facilities are amended by moving them into a new paragraph (10) entitled Appendices and Appendices I, II and III are further amended by deleting them in their entirety and substituting instead new Appendices I, II and III so that as amended paragraph (10) and Appendices I, II and III shall read as follows:

(10) Appendices

APPENDIX I
CONSTITUENTS FOR GROUNDWATER MONITORING

INORGANIC CONSTITUENTS

1. Antimony
2. Arsenic
3. Barium
4. Beryllium
5. Boron
~~5.~~6. Cadmium
~~6.~~7. Chromium
~~7.~~8. Cobalt
~~8.~~9. Copper
~~9.~~10. Fluoride
~~10.~~11. Lead
~~11.~~12. Mercury
~~12.~~13. Nickel
~~13.~~14. Selenium
~~14.~~15. Silver
~~15.~~16. Thallium
~~16.~~17. Vanadium
~~17.~~18. Zinc

ORGANIC CONSTITUENTS

18. Acetone
19. Acrylonitrile
20. Benzene
21. Bromochloromethane
22. Bromodichloromethane
23. Bromoform; Tribromomethane
24. Carbon disulfide
25. Carbon tetrachloride
26. Chlorobenzene
27. Chloroethane; Ethyl chloride
28. Chloroform; Trichloromethane
29. Dibromochloromethane; Chlorodibromomethane
30. 1,2-Dibromo-3-chloropropane; DBCP
31. 1,2-Dibromoethane; Ethylene dibromide; EDB
32. o-Dichlorobenzene; 1,2-Dichlorobenzene
33. p-Dichlorobenzene; 1,4-Dichlorobenzene
34. trans-1,4-Dichloro-2-butene
35. 1,1-Dichloroethane; Ethylidene chloride
36. 1,2-Dichloroethane; Ethylene dichloride

37. 1,1-Dichloroethylene; 1,1,-Dichloroethene; Vinylidene chloride
38. cis-1,2-Dichloroethylene; cis-1,2-Dichloroethene
39. trans-1,2-Dichloroethylene; trans-1,2-Dichloroethene
40. 1,2-Dichloropropane; Propylene dichloride
41. cis-1,3-Dichloropropene
42. trans-1,3-Dichloropropene
43. Ethylbenzene
44. 2-Hexanone; Methyl butyl ketone
45. Methyl bromide; Bromomethane
46. Methyl chloride; Chloromethane
47. Methylene bromide; Dibromomethane
48. Methylene chloride; Dichloromethane
49. Methyl ethyl ketone; MEK; 2-Butanone
50. Methyl iodide; Iodomethane
51. 4-Methyl-2-pentanone; Methyl isobutyl ketone
52. Styrene
53. 1,1,1,2-Tetrachloroethane
54. 1,1,2,2-Tetrachloroethane
55. Tetrachloroethylene; Tetrachloroethene; Perchloroethylene
56. Toluene
57. 1,1,1-Trichloroethane; Methylchloroform
58. 1,1,2-Trichloroethane
59. Trichloroethylene; Trichloroethene
60. Trichlorofluoromethane; CFC-11
61. 1,2,3-Trichloropropane
62. Vinyl acetate
63. Vinyl chloride
64. Xylenes

APPENDIX II

GROUND-WATER MONITORING LIST

Common Name	Chemical Abstracts Service Index Name
Acenaphthene	Acenaphthylene, 1,2-dihydro-
Acenaphthylene	Acenaphthylene
Acetone	2-Propanone
Acetonitrile; Methyl cyanide	Acetonitrile
Acetophenone	Ethanone, 1-phenyl
2-Acetylaminofluorene; 2-AAF	Acetamide, N-9H-fluoren-2-yl-
Acrolein	2-Propenal
Acrylonitrile	2-Propenenitrile
Aldrin	1,4:5,8-Dimethanonaphthalene, 1,2,3, 4,10,10-hexachloro-1,4,4a,5,8, 8a-hexahydro-(1a,4a,4aB,5a,8a,8aB)-
Allyl chloride	1-Propene, 3-chloro-
4-Aminobiphenyl	[1,1'-Biphenyl]-4-amine
Anthracene	Anthracene
Antimony	Antimony
Arsenic	Arsenic
Barium	Barium
Benzene	Benzene
Benzo[a]anthracene; Benzantracene	Benz[a]anthracene
Benzo[b]fluoranthene	Benz[e]acephenanthrylene
Benzo[k]fluoranthene	Benzo[k]fluoranthene
Benzo[ghi]perylene	Benz[ghi]perylene

Benzo[a]pyrene	Benzo[a]pyrene
Benzyl alcohol	Benzenemethanol
Beryllium	Beryllium
alpha-BHC	Cyclohexane, 1,2,3,4,5,6-hexachloro-(1a,2a,3B,4a,5B,6B)-
beta-BHC	Cyclohexane, 1,2,3,4,5,6-hexachloro-(1a,2B,3a,4B,5a,6B)-
delta-BHC	Cyclohexane, 1,2,3,4,5,6-hexachloro-(1a,2a,3a,4B,5a,6B)-
gamma-BHC; Lindane	Cyclohexane, 1,2,3,4,5,6-hexachloro-(1a,2a,3B,4a,5a,6B)-
Bis(2-chloroethoxy)methane	Ethane, 1,1'-[methylenebis(oxy)]bis[2-chloro-
Bis(2-chloroethyl)ether Dichloroethyl ether	Ethane, 1,1'-oxybis[2-chloro-
Bis(2-chloro-1methylethyl)ether; 2,2-Dichlorodiisopropyl ether;	Propane, 2,2'-oxybis[1-chloro-
Bis(2-ethylhexyl) phthalate	1,2-Bexenedicarboxylic acid, bis(2-ethyihexyl)ester
Boron	Boron
Bromochloromethane; Chlorobromomethane	Methane, bromochloro-
Bromodichloromethane Dibromochloromethane	Methane, bromodichloro-
Bromoform; Tribromomethane	Methane, tribromo-
4-Bromophenyl phenyl ether	Benzene, 1-bromo-4-phenoxy-
Butyl benzyl phthalate; Benzyl butyl phthalate	1,2-Benzenedicarboxylic acid, butyl phenylmethyl ester
Cadmium	Cadmium
Carbon disulfide	Carbon disulfide
Carbon tetrachloride	Methane, tetrachloro-
Chlordane	4,7-Methano-1H-indene, 1,2,4,5,6,7,8,8-octachloro-2,3,3a,4,7,7a-hexahydro
p-Chloroaniline	Benzenamine, 4-chloro-
Chlorobenzene	Benzene, chloro-
Chlorobenzilate	Benzeneacetic acid, 4-chloro-a-(4-chlorophenyl)a-hydroxy,ethyl ester
p-Chloro-m-cresol 4-Chloro-3-methylphenol	Phenol, 4-chloro-3-methyl-
Chloroethane; Ethyl chloride	Ethane, chloro-
Chloroform; Trichloromethane	Methane, trichloro-
2-Chloronaphthalene	Napthalene, 2-chloro-
2-Chlorophenol	Phenol, 2-chloro-
4-Chlorophenyl phenyl ether	Benzene, 1-chloro-4-phenoxy
Chloroprene	1,2-Butadiene, 2-chloro-
Chromium	Chromium
Chrysene	Chrysene
Cobalt	Cobalt
Copper	Copper
m-Cresol; 3-methylphenol	Phenol, 3-methyl-
o-Cresol; 2-methylphenol	Phenol, 2-methyl-
p-Cresol; 4-methylphenol	Phenol, 4-methyl-
Cyanide	Cyanide
2,4-D; 2-4-Dichlorophenoxyacetic acid	Acetic acid, (2,4-dichlorophenoxy)-
4,4'-DDD	Benzene, 1,1'-(2,2-dichloroethylidene) bis[4-chloro-
4,4'-DDE	Benzene, 1,1'-(dichloroethylidene) bis[4-chloro-
4,4'-DDT	Benzene, 1,1'-(2,2,2-

	trichloroethylidene)bis[4-chloro-
Diallate	Carbamothioic acid, bis(1-methylethyl)-, S-(2,3-dichloro-2-propenyl) ester
Dibenz[a,h]anthracene	Dibenz[a,h]anthracene
Dibenzofuran	Dibenzofuran
Dibromochloromethane; Chlorodibromomethane	Methane, dibromochloro-
1,2-Dibromo-3-chloropropane; DBCP	Propane, 1,2-dibromo-3-chloro-
1,2-Dibromoethane; Ethylene dibromide	Ethane, 1,2-dibromo-
Di-n-butyl phthalate	1,2-Benzenedicarboxylic acid, dibutyl ester
o-Dichlorobenzene 1,2-Dichlorobenzene	Benzene, 1,2-dichloro-
m-Dichlorobenzene 1,3-Dichlorobenzene	Benzene, 1,3-dichloro-
p-Dichlorobenzene 1,4-Dichlorobenzene	Benzene, 1,4-dichloro-
3,3'-Dichlorobenzidine	[1,1'-Biphenyl]-4,4'-diamine, 3,3'-dichloro-
trans-1,4-Dichloro-2-butene	2-Butene, 1,4-dichloro-, (E)-
Dichlorodifluoromethane	Methane, dichlorodifluoro-
1,1-Dichloroethane Ethyldidene chloride	Ethane, 1,1-dichloro-
1,2-Dichloroethane; Ethylene dichloride	Ethane, 1,2-dichloro-
1,1-Dichloroethylene; Vinylidene chloride 1,1-Dichloroethene	Ethene, 1,1-dichloro-
cis-1,2-Dichloroethylene; cis-1,2-Dichloroethene	Ethene, 1,2-dichloro-,(Z)-
trans-1,2-Dichloroethylene trans-1,2-Dichloroethene	Ethene, 1,2-dichloro-, (E)-
2,4-Dichlorophenol	Phenol, 2,4-dichloro-
2,6-Dichlorophenol	Phenol, 2,6-dichloro-
1,2-Dichloropropane Propylene dichloride	Propane, 1,2-dichloro-
1,3-Dichloropropane; Trimethylene dichloride	Propane, 1,3-dichloro-
2,2-Dichloropropane; Isoprophylidene chloride	Propane, 2,2-dichloro-
1,1-Dichloropropene	1-Propene, 1,1-dichloro-
cis-1,3-Dichloropropene	1-Propene, 1,3-dichloro-, (Z)-
trans-1,3-Dichloropropene	1-Propene, 1,3-dichloro-,(E)-
Dieldrin	2,7;3,6-Dimethanonaphth[2,3-b]oxirene, 3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a, 7,7a-octahydro-,(1aa,2B,2aa,3B,5B, 6aa,7B,7aa)-
Diethyl phthalate	1,2-Benzenedicarboxylic acid, diethyl ester
O,O-Diethyl O-2-pyrazinyl phosphorothioate; Thionazin	Phosphorothioic acid, O,O-diethyl O-pyrazinyl ester
Dimethoate	Phosphorodithioic acid, O,O-dimethyl S-[2-(methylamino)-2-oxoethyl] ester
p-(Dimethylamino)azobenzene	Benzenamine, N,N-dimethyl-4-(phenylazo)-
7,12-Dimethylbenz[a]anthracene	Benz[a]anthracene, 7,12-dimethyl-
3,3'-Dimethylbenzidine	[1,1'-Biphenyl]-4,4'-diamine, 3,3'-dimethyl-
2,4-Dimethylphenol; m-xylenol	Phenol, 2,4-dimethyl-
Dimethyl phthalate	1,2-Benzenedicarboxylic acid, dimethyl ester

m-Dinitrobenzene	Benzene, 1,3-dinitro-
4,6-Dinitro-o-cresol; 4,6-Dinitro2-methylphenol	Phenol, 2-methyl-4,6-dinitro-
2,4-Dinitrophenol	Phenol, 2,4-dinitro-
2,4-Dinitrotoluene	Benzene, 1-methyl-2,4-dinitro-
2,6-Dinitrotoluene	Benzene, 2-methyl-1,3-dinitro-
Dinoseb; DNBP; 2-sec-Butyl-4,6-dinitrophenol	Phenol, 2-(1-methylpropyl)-4,6-dinitro-
Di-n-octyl phthalate	1,2-Benezenedicarboxylic acid, dioctyl ester
Diphenylamine	Benzenamine, N-phenyl-
Disulfoton	Phosphorodithioic acid, O,O-diethyl S-[2-(ethylthio)ethyl] ester
Endosulfan I	6,9-Methano-2,4,3-benzodioxathiepin, 6,7,8,9,10,10-hexachloro-1,5,5a,6,9, 9a-hexahydro-,3-oxide,
Endosulfan II	6,9-Methano-2,4,3-benzodioxathiepin, 6,7,8,9,10,10-hexachloro-1,5,5a,6,9, 9a-hexahydro-,3-oxide, (3a,5aa,6B, 9B,9aa)-
Endosulfan sulfate	6,9-Methano-2,4,3-benzodioxathiepin, 6,7,8,9,10,10-hexachloro-1,5,5a,6,9, 9a-hexahydro-,3,3-dioxide
Endrin	2,7;3,6-Dimethanonaphth[2,3-b]oxirene, 3,4,5,6,9,9-hexachloro-1a,2,2a,3,6, 6a,7,7a-octahydro-,(1aa,2B,2aB,3a, 6a, 6aB,7B,7aa)-
Endrin aldehyde	1,2,4-Methenocyclopental[cd]pentalene-5-carboxal-dehyde,2,2a,3,3,4,7-hexachlorodecahydro-,(1a,2B,2aB, 4B,4aB,5B,6aB,6bB,7R*)-
Ethylbenzene	Benzene, ethyl-
Ethyl methacrylate	2-Propenoic acid, 2-methyl-, ethyl ester
Ethyl methanesulfonate	Methanesulfonic acid, ethyl ester
Famphur	Phosphorothioic acid, O-[4] (dimethylamino)sulfonyl[phenyl]-O,O-dimethyl ester
Fluoranthene	Fluoranthene
Fluorene	9H-Fluorene
Heptachlor	4,7-Methano-1H-indene, 1,4,5,6,7,8,8-heptachloro-3a,4,7,7a-tetrahydro-
Heptachlor epoxide	2,5-Methano-2H-indeno[1,2b]oxirene, 2,3,4,5,6,7,7-heptachloro-1a,1b, 5,5a,6,6a-hexahydro-,(1aa,1bB, 2a,5a,5aB,6B,6aa)
Hexachlorobenzene	Benzene,hexachloro-
Hexachlorobutadiene	1,3-Butadiene, 1,1,2,3,4,4-hexachloro-
Hexachlorocyclopentadiene	1,3-Cyclopentadiene, 1,2,3,4,5,5-hexachloro-
Hexachloroethane	Ethane, hexachloro-
Hexachloropropene	1-Propene, 1,1,2,3,3,3-hexachloro-
2-Hexanone Methyl butyl ketone	2-Hexanone
Indeno[1,2,3-cd]pyrene	Indeno[1,2,3-cd]pyrene
Isobutyl alcohol	1-Propane, 2-methyl-
Isodrin	1,4,5,8-Dimethanonaphthalene, 1,2,3, 4,10,10-hexachloro-,1,4,4a,5,8,8a-hexahydro-(1a,4a,4aB,5B,8B,8aB)-
Isophorone	2-Cyclohexen-1-one, 3,5,5-trimethyl
Isosafrole	1,3-Benzodioxole, 5-(1-propenyl)-

Kepone	1,3,4-Metheno-2H-cyclobuta[cd]pentalen-2-one,1,1a,3,3a,4,5,5a,5b,6-decachlorooctahydro-
Lead	Lead
Mercury	Mercury
Methacrylonitrile	2-Propanenitrile, 2-methyl-
Methapyrilene	1,2-Ethanediamine, N,N-dimethyl-N'-2-pyridinyl-N'-(2-thienylmethyl)-
Methoxychlor	Benzene, 1,1'-(2,2,2-trichloroethylidene)bis[4-methoxy-
Methyl bromide; Bromomethane	Methane, bromo-
Methyl chloride; Chloromethane	Methane, chloro-
3-Methylcholanthrene	Benz[j]aceanthrylene, 1,2-dihydro-3-methyl-
Methyl ethyl ketone; MEK: 2-Butanone	2-Butanone
Methyl iodide; iodomethane	Methane, iodo-
Methyl methacrylate	2-Propenoic acid, 2-methyl-, methyl ester
Methyl methanesulfonate	Methanesulfonic acid, methyl ester
2-Methylnaphthalene	Naphthalene, 2-methyl-
Methyl parthion; Parathion methyl	Phosophorothioic acid, O,O-dimethyl O-(4-nitrophenyl) ester
4-Methyl-2-pentanone; Methyl isobutyl ketone	2-Pentanon, 4-methyl-
Methylene bromide; Dibromomethane	Methane, dibromo-
Methylene chloride; Dichloromethane	Methane, dichloro-
Naphthalene	Naphthalene
1,4-Naphthoquinone	1,4-Naphthalenedione
1-Naphthylamine	1-Naphthalenamine
2-Naphthylamine	2-Naphthalenamine
Nickel	Nickel
o-Nitroaniline; 2-Nitroaniline	Benzenamine, 2-nitro-
m-Nitroaniline; 3-Nitroaniline	Benzanamine, 3-nitro-
p-Nitroaniline; 4-Nitroaniline	Benzenamine, 4-nitro-
Nitrobenzene	Benzene, nitro-
o-Nitrophenol; 2-Nitropherol	Phenol, 2-nitro
p-Nitrophenol; 4-Nitrophenol	Phenol, 4-nitro-
N-Nitrosodi-n-butylamine	1-Butanamine, N-butyl-N-nitroso-
N-Nitrosodiethylamine	Ethanamine, N-ethyl-N-nitroso-
N-Nitrosodimethylamine	Methamine, N-methyl-N-nitroso-
N-Nitrosodiphenylamine	Benzenamine, N-nitroso-N-phenyl-
N-Nitrosodipropylamine; Di-n-propyl-nitrosamine; N-Nitroso-N-dipropylamine	1-Propanamine, N-nitroso-N-propyl
N-Nitrosomethylethylamine	Ethanamine, N-methyl-N-nitroso-
N-Nitrosomorpholine	Morpholine, N-nitroso-
N-Nitrosopiperidine	Piperidine, 1-nitroso-
N-Nitrosopyrrolidine	Pyrrolidine, 1-nitroso-
5-Nitro-o-toluidine	Benzenamine, 2-methyl-5-nitro-
Parathion	Phosphorothioic acid, O,O-diethyl-O-,(4-nitrophenyl) ester
Pentachlorobenzene	Benzene, pentachloro-
Pentachloronitrobenzene	Benzene, pentachloronitro-
Pentachlorophenol	Phenol, pentachloro-
Phenacetin	Acetamide, N-(4-ethoxyphenyl)-
Phenanthrene	Phenanthrene

Phenol	Phenol
p-Phenylenediamine	1,4-Benzenediamine
Phorate	Phosphorodithioic acid, O,O-diethyl S-[(ethylthio)methyl] ester
Polychlorinated biphenyls; PCBs Aroclors	1,1'-Biphenyl, chloro derivatives
Pronamide	Benzamide, 3,5-Dichloro-N-(1,1-dimethyl-2-propynyl)-
Propionitole; Ethyl cyanide	Propanenitole
Pyrene	Pyrene
Safrole	1,3-Benzodioxole, 5-(2-propenyl)-
Selenium	Selenium
Silver	Silver
Silvex; 2,4,5-TP	Propanoic acid, 2-(2,4,5-trichlorophenoxy)-
Styrene	Benzene, ethenyl-
Sulfide	Sulfide
2,4,5-T; 2,4,5-Trichlorophenoxy-acetic acid	Acetic acid, (2,4,5-trichlorophenoxy)-
1,2,4,5-Tetrachlorobenzene	Benzene, 1,2,4,5-tetrachloro-
1,1,1,2-Tetrachloroethane	Ethane, 1,1,1,2-tetrachloro-
1,1,2,2-Tetrachloroethane	Ethane, 1,1,2,2-tetrachloro-
Tetrachloroethylene; Tetrachlorothene Perchloroethylene;	Ethene, tetrachloro-
2,3,4,6-Tetrachlorophenol	Phenol, 2,3,4,6-tetrachloro-
Thallium	Thallium
Tin	Tin
Toluene	Benzene, methyl-
o-Toluidine	Benzenamine, 2-methyl-
Toxaphene	Toxaphene
1,2,4-Trichlorobenzene	Benzene, 1,2,4-trichloro-
1,1,1-Trichloroethane; Methylchloroform	Ethane, 1,1,1-trichloro-
1,1,2-Trichloroethane	Ethane, 1,1,2-trichloro-
Trichloroethylene; Trichloroethene	Ethene, trichloro
Trichlorofluoromethane	Methane, trichlorofluoro-
2,4,5-Trichlorophenol	Phenol, 2,4,5-trichloro-
2,4,6-Trichlorophenol	Phenol, 2,4,6-trichloro-
1,2,3-Trichloropropane	Propane, 1,2,3-trichloro-
O,O,O-Triethyl phosphorothioate	Phosphorothioic acid, O,O,O-triethyl ester
sym-Trinitrobenzene	Benzene, 1,3,5-trinitro-
Vanadium	Vanadium
Vinyl acetate	Acetic acid, ethenyl ester
Vinyl Chloride; Chloroethene	Ethene, chloro-
Xylene (total)	Benzene, dimethyl-
Zinc	Zinc

~~Appendix~~ APPENDIX III

Contaminant Inorganic Chemicals	Maximum Contaminant Level in Milligrams/Liter
Antimony	0.006
Arsenic	0.01
Barium	2.0
Beryllium	0.004

Cadmium	0.005
Chromium (total)	0.1
Fluoride	4.0
Lead[1]	0.015
Mercury	0.002
Nickel[2]	0.1
Nitrate	10.0
Selenium	0.05
Silver[3]	0.1
Thallium	0.002

Volatile Organic Chemicals

Benzene	0.005
Carbon Tetrachloride	0.005
1,2-Dichloroethane	0.005
1,1-Dichloroethylene	0.007
cis-1,2-Dichloroethylene	0.07
trans-1,2,-Dichloroethylene	0.1
O-Dichlorobenzene	0.6
1,4-Dichlorobenzene	0.075
Dichloromethane (methylene chloride)	0.005
1,2-Dichloropropane	0.005
Ethylbenzene	0.7
Monochlorobenzene	0.1
Styrene	0.1
Tetrachlorethylene	0.005
Toluene	1.0
1,1,1-Trichloroethane	0.20
1,1,2-Trichloroethane	0.005
Trichloroethylene	0.005
Trihalomethanes (total)	0.1
Vinyl Chloride	0.002
Xylenes	10.0

Organic Chemicals

Alachlor	0.002
Aldicarb	0.003
Aldicarb sulfoxide	0.004
Aldicarb sulfone	0.002
Atrazine	0.003
Benzo(a)pyrene	0.0002
Carbofuran	0.04
Chlordane	0.002
2,4-D	0.07
Dalapon	0.2
1,2-Dibromo-3-chloropropane	0.0002
Di (ethylhexy)adipate	0.4
Di (ethylhexyl)phthalate	0.006
Dinoseb	0.007
Diquat	0.02
Endothall	0.1
Endrin	0.002
Ethylene dibromide	0.00005
Glyphosate	0.7
Heptachlor	0.0004
Heptachlor epoxide	0.0002
Hexachlorobenzene	0.001
Hexachlorocyclopentadiene (HEX)	0.05
Lindane	0.0002

Methoxychlor	0.04
Oxamyl (Vydate)	0.2
Pentachlorophenol	0.001
Picloram	0.5
Polychlorinated biphenyls (PCB)	0.0005
Simazine	0.004
Toxaphene	0.003
2,4,5 TP (Silvex)	0.05
1,2,4-Trichlorobenzene	0.07

[1] Action level concentration obtained from TN Division of Water ~~Supply~~ Resources part (1)(c)1 of Rule ~~1200-05-01-.33~~ 0400-45-01-.33.
[2] MCL value obtained from TN Division of Water ~~Supply~~ Resources part (1)(b)11 of Rule ~~1200-05-01-.06~~ 0400-45-01-.06.
[3] MCL value obtained from TN Division of Water ~~Supply~~ Resources subparagraph (1)(n) of Rule ~~1200-05-01-.12~~ 0400-45-01-.12. (EPA Secondary Drinking Water Standard)
All other values are MCLs currently applicable under the National Primary Drinking Water Regulations.

Authority: T.C.A. §§ 68-211-101 et seq. and 4-5-201 et seq.

Part 4 of subparagraph (c) of paragraph (3) of Rule 0400-11-01-.07 Fee System for Non-Hazardous Disposal and Certain Non-Hazardous Processors of Solid Waste is amended by deleting it in its entirety and substituting instead the following:

4. Reserved ~~Coal Ash Fill Area $ 3,000~~

Authority: T.C.A. §§ 68-203-101 et seq., 68-211-101 et seq. and 4-5-201 et seq.

Subparagraph (b) of paragraph (6) of Rule 0400-11-01-.07 Fee System for Non-Hazardous Disposal and Certain Non-Hazardous Processors of Solid Waste is amended by deleting it in its entirety and substituting instead the following:

(b) Permit application shall be acted upon (issued or denied) by the Department within the following time after the application is certified to be complete:

1. Disposal Facility
   - (i) Class I — 270 days
   - (ii) Class II — 270 days
   - (iii) Class III — 240 days
2. Processing Facility
   - (i) Permit By Rule — 90 days
   - (ii) Compost Facility — 120 days
3. Major Modification
   - (i) Regulatory Requirement — 180 days
   - (ii) Application
     - (I) Plans Only — 240 days
     - (II) Hydrogeologic — 270 days
4. Minor Modifications

(i) Engineering Review 90 days

~~4.~~5. Waste Evaluation 30 days

Authority: T.C.A. §§ 68-203-101 et seq., 68-211-101 et seq. and 4-5-201 et seq.

Part 1 of subparagraph (b) of paragraph (2) of Rule 0400-11-01-.10 Convenience Centers / County Public Collection Receptacles is amended by deleting it in its entirety and substituting instead the following:

1. Convenience centers must meet the permit by rule requirements at ~~subpart (2)(a)4~~ part (2)(b)4 of Rule 0400-11-01-.02. The operator must make attachments to the notification as follows:

   (i) The operator attaches a written narrative to his notification describing the specific manner in which the facility complies with paragraph (3) of this rule.

   (ii) A design plan attached indicating boundaries of the site and all appurtenances.

   (iii) A site location map is submitted on a USGS Topo map.

Authority: T.C.A. §§ 68-203-101 et seq., 68-211-101 et seq. and 4-5-201 et seq.

Part 7 of subparagraph (b) of paragraph (1) of Rule 0400-11-01-.11 Requirements for Compost and Composting Facilities is amended by deleting it in its entirety and substituting instead the following:

7. Tier One composting facilities may apply for a permit by rule pursuant to part ~~(2)(a)7~~ (2)(b)7 of Rule 0400-11-01-.02.

Authority: T.C.A. §§ 68-203-101 et seq., 68-211-101 et seq. and 4-5-201 et seq.

Subparagraph (c) of paragraph (1) of Rule 0400-11-01-.13 Requirements for Land Application Facilities is amended by deleting it in its entirety and substituting instead the following:

(c) Notification Requirements – The operator must comply with the notification requirements of ~~(2)(a)4~~ part (2)(b)6 of Rule 0400-11-01-.02. The operator must make attachments to the notification as follows:

1. The operator attaches a written narrative to his notification describing the specific manner in which the facility complies with paragraph (2) of this rule.

2. The operator attaches any sampling, monitoring, or other plans required by these rules or by the Commissioner.

3. The operator of an existing permit-by-rule land application facility must modify the notification if:

   (i) Adding a waste stream from a new generator, or a waste stream from an existing generator which has not been previously approved for land application at that site; or

   (ii) Adding new acreage to the land application operations.

Authority: T.C.A. §§ 68-203-101 et seq., 68-211-101 et seq. and 4-5-201 et seq.

Subparagraph (g) of paragraph (2) of Rule 0400-11-01-.13 Requirements for Land Application Facilities is amended by deleting it in its entirety and substituting instead the following:

(g) Reserved. ~~Duty to Comply – The permittee must comply with all relevant notification and permit-by-rule requirements, unless otherwise authorized in writing by this Department. Any permit-by-~~

~~rule condition noncompliance, except as otherwise authorized by the Department, constitutes a violation of the Act and is grounds for enforcement action, or for termination of the permit-by-rule, revocation and reissuance, or modification.~~

Authority: T.C.A. §§ 68-203-101 et seq., 68-211-101 et seq. and 4-5-201 et seq.

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

Date: October 26, 2017

Signature: _____

Name of Officer: Lisa Hughey

Title of Officer: Deputy Director, Division of Solid Waste Management

Subscribed and sworn to before me on: _____

Notary Public Signature: _____

My commission expires on: _____

Department of State Use Only

Filed with the Department of State on: _____

_____
Tre Hargett
Secretary of State